Home (1953) Department.

RL SERIES.

G.O. No. 3192.

Dated 30 X 53

FOR MYSORE STATE

[Despatch Abstract.]

Ref. C3. 7230/53 S.K.Dt.Magistrate's Office,
Mangalore dated 1.9.1953.

From

Sri A.Mahalingam Chettiar, B.A.
District Magistrate, South Kanara

To

The Secretary to Government,
Home Department,
Fort St. George,
M a d r a s 9

Sir,

COURTS: Criminal - South Kanara District - court of the Special I Class Magistrate for the trial of Chit Fund Cases Employment of a Special I Class Magistrate and Staff - further retention - sanction Requested.

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Ref:- 1(1) G.O.Ms.No1116 Home Department dated 5.4.1953.
2. G.O.Ms.No.1326/ Home Dept. dated 22.4.53.
3. G.O.Ms.No.2882/ Home Department dated 11.8.53.

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The Court of the Special I Class Magistrate for the trial of Chit Fund Cases started functioning from 8.5.53. The following staff was sanctioned in G.O.Ms.1116, Home Department dated 5.4.53 for a period of 3 months from the date of employment.

1. One special I Class Magistrate (Dy.Collector's grade)
2. One Lower Division Clerk. 3. One Typist.
4. One Attender. 5. Two peons.

The post of an Assistant Public Prosecutor Grade II and a peon were also sanctioned in G.O. cited second above. In G.O.Rt.No.2882, Home Dept. dated 11.8.53, the Government were pleased to sanction the retention of the temporary staff till 7.10.1953.

2. The total number of cases on the file of this court uptodate is 8 out of which 5 cases in which the accused are available have come up for trial while in the remaining 3 cases the accused are absconding; 217 witnesses have so far been examined for prosecution in the cases which have come up for trial. In one case the accused persons were arrested only a few days back and the enquiry is yet to be taken up. I enclose a copy of

p.t.o.

-2-

the report of the Special I Class Magistrate for the trial of Chit fund cases wherein the stage of each case pending has been explained. Having regard to the volume of work remaining to be done it is necessary to retain this court for a further period of two months from 7.10.53. I therefore recommend that the Government may be pleased to sanction the retention of the staff sanctioned in the two G.Os cited above for a further period of 2 months from 7.10.1953.

R

Yours faithfully,

V Sambasivarao
D.C.M.
For Dt.Magistrate.

M/ Copy to the Registrar High Court of Judicature. Madras.

3/1 Home Deptt

Submitted for perusal of pp 1-2 above. The remarks of the item court in the copy of the Dm's letter sent to it may be awaited received 9-53. (A copy of the Dm's letter and its enclosure was given to courts III Section for taking action regarding the retention of the A.P.P. Grade II then sanctioned for conduct of prosecution in the cases) of the above

for 9.9.53 9.9.53

Courts III Section

9/9/53 9/9/53

11.9.53

Copy of Ref.C.No. 17/53 (4) dated 23.8.1953 from the Special I Class Magistrate for trial of Chit fund cases, Mangalore to the District Magistrate. S.K.

COURTS: CRIMINAL: South Kanara District - trial of cases against certain chit fund court of Special I Class Magistrate - Sanction Extension- further report.

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Reference: This office report Ref.C.No.17/53 (2) dated 13.7.53.

In this office report cited reiterating my proposals previously submitted in my prior report Ref.17/53 (1) dated 18 13.6.1953 I had requested for obtaining extension of sanction for my court for two months from 7.8.1953 afternoon. The extended sanction if granted for the continuance of my court would expire on 7.10.53 afternoon. In my report dated 13.7.1953 cited I had however reported that further extension if necessary will be applied for in due course.

The total number of cases on the file of this court upto date is 8 out of which 5 cases in which the accuses are available have come up for trial while in the remaining 3 cases the accused are absconding. Since the submission of my report dated 13.7.1953 cited, the progress of work in my court has reached the stages as shown below:

C.C.No.	Police Station & F.I.No.	No. and name of accused.	stage.
1	2	3	4
1/53	Hosdrug F.I. 26/52	L.B.D'Sa	71 witnesses examined. Charge under section 420 I.P.C. (with three heads) framed on 31.7.53. Further cross examination progressing. 15 witnesses further cross examined.
2/53	Mangalore North F.I.190/52	D.Ratna Varma Raja & 2 others	99 witnesses examined and charge with three heads under section 420 read with section 34 I.P.C. framed against all accused on 17.8.53. Posted to 25.8.53 for further cross examination.
3/53	Mangalore South F.I.178/52	C.Krishna Pillai.	Accused still absconding. N.B.W.pending with T.C. State Police.
4/53	Mangalore South F.I.59/52	M.K.Krishnan alias M.Krishna Menon.	Accused still absconding NBW pending with T.C.State Police.
5/53	Kasargod F.I.83/52	1.Narayana Adapa alias Adiraja.	A1 absconding. case against him split up as C.C.6/52. case against A2 proceeded with. 49 witnesses, examined and charge with three heads under section 420 and 34 I.P.C. framed further cross examination of P.Ws progressing 16 out of 49 witnesses further cross examined. Posted to 9.9.53 for continuing further cross examination of remaining P.Ws.
		2. C.H.Abdul-Rahiman.	
6/53	Kasaggod F.I.83/52	Narayana Adapa alias Adiraja	case split up from C.C.5/52 Accused absconding. Evidence under section 512 Cr.P.C. recorded and case recommended on 31.7.53. for being entered in Register of L.P.C.

7	53 Udipi F.I.35/52	Gopinatha Menon and another.	Both the accused who were absconding since apprehended, A2 on 17.8.53 and A1 on 31.7.53 Posted to 26.8.53 for enquiry.
8/53	Puttur F.I.11/52	N.Shesha-ppaya alias Kudrethaya.	47 witnesses examined out of 75 witnesses cited in charge sheet. Posted to 27.8.53 for continuing enquiry.

From the particulars furnished above it will be seen that two cases viz C.C.3/53,C.C.4/53 could not even be touched as the accused are absconding and the N.B.Ws issued for their apprehension are still pending with the Police. In C.C.6/53 in which also the accused is absconding evidence under section 512 Cr.P.C has been recorded after taking action under section 87 and 88 CrP.C and the case records have been submitted to the District Magistrate for orders, to transfer the case to the Register of long Pending cases. Among the remaining five cases in which the accused are available, C.C.7/53 has yet to be taken up for enquiry as the accused were apprehended very lately. The enquiry could be taken up in the remaining four cases and they are making headways as submitted above.

I have been straining every nerve of mine to complete by 7.10.1953 the work in all the four cases C.C.1/53, 2/53 5/53 and 8/53 in which enquiry had been started and I expected to achieve my progress according to plan and be able to wind up my court by 7.10.1953. But quite unexpectedly certain developments have come up as a result of which the quick despatch of work in my court has been considerable impeded. In the middle of this month there was a change in the personnel of the Special A.P.P.II sanctioned for this court. Sri K.P.Achuthaya,Sub Inspector of police who was posted in the beginning as special A.P.P.II for my court and was in charge of the prosecution from commencement of the court till the middle of this month was reverted and Sri V.Krishnappa Shetty was posted in his place. The change in the personnel of the Special A.P.P.II for my court at this stage when the cases have made headway with witnesses in scores and exhibits in hundreds is a veritable handicap as the new A.P.P is finding himself virtually at sea and not able to give any assistance to the court in getting through the evidence speedily. The sudden apprehension of the two absconding accused in C.C.7/53 after prolonged efforts to get at them is another cause for impeding the progress in the other four cases. Both the accused in C.C.7/53 are in remand as they have no bail to offer as a result of which the case has to be heard at Udipi frequently without exceeding the 15 days remand for the accused in custody. The trial in that case which is about to begin now cannot under any circumstances be completed by the end of September 1953 as it involves nearly seventy witnesses almost all of Udipi and its neighbourhood and exhibits in hundreds. To add to these two important circumstances the existence of a number of holidays about ten in number including Sundays in the month of September 1953 makes the chances of my completing the work within the period of sanction i.e by 7.10.1953 rather remote in spite of all my efforts to wind up the court by that date.

In the circumstances referred to above I am afraid I may not be able to complete the work of my court by 7.10.1953 and to wind it up by ~~the~~ that date. To complete the work of the cases which have made headway so far and to dispose of the cases which have ~~first~~ just been taken up it would require at least two months more beyond 7.10.1953. I therefore submit that the sanction for my court may be got extended till the end of November 1953 or till the work of the court is completed whichever is earlier.

-True copy-

N. Sankaranarayan
9.9.53
for Collector

KA 3/9

Ref.C3.7230/53.

Office of the Dt.Magistrate of
South Kanara, Mangalore,
Dated 5th October 1953.

From

Thiru A.Mahalingam Chettiar, I.A.S.,
District Magistrate, South Kanara.

To

The Secretary to Government,
Home Department, Fort St.George,
Madras.9.

Sir,

Subject: Courts - Criminal - South Kanara District - Special Court for the trial of Chit fund cases Mangalore Retention beyond 7-10-1953 - Report -

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Reference: My report Ref.C3.7230/53, dated 1-9-1953.

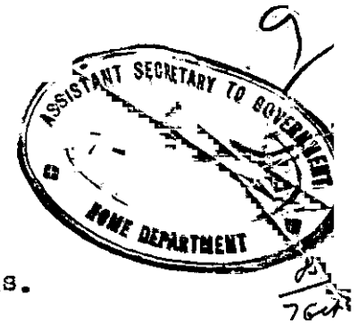
....

The sanction accorded for the retention of the Special Court in G.O.Rt.No.2882 dated 11-8-1953 expires on 7-10-1953. I have submitted proposals for the retention of the Special Court for a period of 2 months from 7-10-1953 in my reference cited. As the disbandment of the staff will cause administrative inconvenience I am retaining them beyond 7-10-1953 in anticipation of sanction. I request that my action may be approved.

Yours faithfully

District Magistrate.

R.O.C.No.5514/53-E2.



From

Sri R.Jayaram Ayyar, M.A.,B.L.,

Registrar, High Court, Madras.

To

The Secretary to Government, Home Department, Madras
(with enclosures).

Dated 6th October 1953.

Sir,

Subject:-Courts - Criminal - South Kanara District - Trial of cases against certain chit funds - Special First Class Magistrate and staff - Retention of - Recommended.

Reference: 1.G.O.Rt.No.2882, Home Department, dated 11-8-1953; and
2.Letter Ref.C3.7230/53 dated 1-9-53 from the District Magistrate, South Kanara to the Government.

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I am to forward a copy of letter B.P.Rt.No.7046 dated 23-9-53 from the Board of Revenue, Madras on the subject cited and to state that the Honourable the Judges support the Board's recommendation.

I am also to add that the District Magistrate has been asked to retain the Magistrate and staff beyond 7-10-1953 in anticipation of sanction of Government and I am to request that this may be approved. Extra cost involved in the proposal will be met from the existing appropriation under "27.h.Criminal Courts".

S. Jayaram
REGISTRAR.

Copy to:

The District Magistrate, South Kanara at Mangalore
(for necessary action).

PP

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Copy of letter B.P.Rt.No.7046 dated 23-9-1953 from the Secretary, Board of Revenue (L.R.) Chepauk, Madras to the Registrar, High Court, Madras.

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Sub: Establishment - temporary (South Kanara) Court of the Special First Class Magistrate - retention beyond 7-10-1953 - proposals recommended.

Ref: Letter from High Court No.Roc 5514/53.E2 dated 8-9-52.

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I am to state that the Board agrees with the District Magistrate, South Kanara and recommends the retention of the court of the Special 1st Class Magistrate in South Kanara District for attending to cases against certain chit-funds for a further period of 2 months from 7-10-1953 or till the necessity ceases, whichever is earlier.

(True copy)

Sub-Assistant Registrar/A.D.

(CNO. 176026 Ch III/53)

Home Department

Issued vide Section

G.O.R. No 3792 dated 30.x.53

Courts – Criminal – South Kanara District – Trial of cases against certain Chit funds – Special First-class Magistrate and Staff – Retention – Sanctioned.

Read: 1) G.O.R. No. 2882, Home, d. 11.8.53
2) From the D.M. South Kanara C3.7230/53 d. 1.9.1953 & 5.10.1953
3) From the Bd. of Revenue B.P. Rt. No 7046, d. 23.9.53.
4) From the Hgh. Court R.O.C. No 5514/53-E2 d. 6.x.53

ORDER:

The Government sanction the retention upto 7.12.53 ~~7th October 1953 or till the need ceases, whichever is earlier~~, of the following temporary staff in the South Kanara district, as last sanctioned in G.O. Rt. No. 2882, Home, dated 11.8.1953, in connection with the trial of cases against certain chit funds:–

(1) One Special First-class Magistrate (in the grade of a Deputy Collector)
(2) One lower division clerk
(3) one typist
(4) One attender; and
(5) Two peons.

2 The expenditure should be debited to the relevant sub-heads of appropriation under "27 Administration of Justice – b. Criminal Courts."

3 The retention of the temporary staff mentioned in para 1 above beyond 7-10-1953 is in anticipation

P.T.O

A/ 1/4

of the sanction of the Govt. is approved.

* 4. Orders regarding the retention of the A.P.P. Grade II for the conduct of the cases against chit funds will issue separately

Or
13/X/53

19.10.53

B/X/53

Ltr'd
30.10.53

To
The Registrar, High Court, Madras
D.M., South Kanara
" Bd of Revenue (L.R.)
" A.G., Madras
Thro' the Fin Deptt
Duplicate copy to A.G. Madras by name.
Copy to the Revenue
Copy to Chs III Deptt
[I.S.C]

(Cons 176026 Ch III/53) Home Department

Courts – Criminal – South Kanara District – Special First class Magistrate and staff for trial of Chit fund cases – Retention – Proposal

pp 1-2 CF & p 7 CF – From the D.M. S. Kanara Ref C3-7230/53 dated 1.9.1953 and 5.X.1953

p 9 CF – From the High Court R.O.C.No. 5514/53-E2 dated 6.X.1953

pp 15-16 CF (K) In G.O.Ms.No. 1116, Home, d 5.4.53 sanction was accorded to the employment of a special First class Magistrate in the grade of a Deputy Collector with a staff of one lower division clerk, one typist, one attender and two peons in the South Kanara District for a period of three months from the date of appointment in connection with the trial of cases against certain chit funds. The Special First class Magistrate's Court started functioning from 8.5.53. The period of sanction expired on 7.8.53 and on the recommendation of the High Court sanction was accorded for the retention of the Spl. First class Magistrate with staff for a further period of two months from 8.8.53. This sanction expired on 8.10.53.

cc p 5 CF
v p 9 CF (L)

pp 1-2 CF – 2. The D.M., South Kanara has subd. proposals for the retention of the Spl. First class Magistrate and staff for a further period of two months from 7.10.1953. The D.M. states that the total number of cases on the file of the Spl First class Magistrate is 8 out of which 5 cases in which the accused are available have come up for trial while in the remaining 3 cases the accused are absconding. It is further stated that 217 witnesses have so far been examined for the prosecution in the cases which have come up for trial and

in one case the accused persons were arrested only a few days back and the enquiry is yet to be taken up. The report of the Special First class Magistrate at pp 3-5 CF shows the stage of each pending case. Having regard to the volume of work remaining to be done, the D. M considers that it is necessary to retain this Court for a further period of two months. In the circumstances he recommends the retention of the Special First class Magistrate with staff last sanctioned in G.O.Ms.No. 2882 Home, dated 11.8.1953 for further period of two months from 7.10.53. Both the Board and the Judges of the High Court support the recommendation of the D.M. The High Court in this also stated that the D.M has been asked to retain the Magistrate and staff beyond 7.10.1953 in anticipation of the sanction of Govt and requests that this may be approved. p 2 CF

p 9 CF (L)

p 11 CF

p 9 CF

para 2, p 9 CF

For orders whether, in the circumstances, the recommendation of the High Court may be accepted. If so, the draft order below is for approval.

Revenue and Finance may see for acceptance

May be accepted

VBB

19.10.53 Rev | Fin

Rev | Fin

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
8620
Thro
23 OCT 1953
FINANCE DEPARTMENT

Home wo 17602.6 ebIII/53-1
20.X.53.

Rev Dept

To Fin

The draft order may be accepted and the file passed on to Finance.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
21 OCT 1953
8685 7B
REVENUE DEPARTMENT

Rev wo 8685-7-A/53-1
22.X.53

Ans 14

P

Fin (Ex)

Please see the notes from p.1. above
The draft order below may be accepted

26.x.53.

Fin no 81620/EI/53-1

ASSISTANT SECRETARY TO GOVERNMENT
HOME DEPARTMENT
27007
27353

27/x/53

S

Home (Chy) Dept

The draft order below may now be

28/x/53

28/x/53

Kay issue

29.10.53

29/x/53

S